

CITY-COUNTY GENERAL ORDINANCE NO. 23, 1980

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 80-AO-1

PROPOSAL NO. 212, 1980

AMENDMENT TO
COMMERCIAL ZONING ORDINANCE
OF
MARION COUNTY, INDIANA
(ORDINANCE 69-AO-1, AS AMENDED)

METROPOLITAN DEVELOPMENT COMMISSION

1980

AMENDED
Legal Draft
3/3/80
4/16/80

1 '80

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 80-AO-1

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

Section 1. That Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and the COMMERCIAL ZONING ORDINANCE of Marion County, Indiana (Ordinance 69-AO-1), adopted as an amendment thereto, as amended, pursuant to Chapter 283 of the Indiana Acts of 1955 and Chapter 173 of the Indiana Acts of 1960, be amended as follows:

That sections 2.03, (B)(2)(a) and 2.03(B)(c)(a)(2) of said COMMERCIAL ZONING ORDINANCE of MARION COUNTY, INDIANA (Ordinance 69-AO-1 as amended) be amended to read as follows:

Section 2.03

B. C-3 District Development Standards

2. REQUIRED FRONT
YARD, MINIMUM
SETBACK

a. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

Except as allowed under paragraph 6 below, no part of any structure (excluding canopies, eaves, cornices and/or any other laterally-supported extensions, any of which may extend into the required yard a maximum of four (4) feet) shall be built closer to the center line of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- | | |
|--------------------------------------|-----------------------|
| (1) Expressway: | Eighty-five (85) feet |
| (2) Primary Thoroughfare or Parkway: | Seventy (70) feet |
| (3) Secondary Thoroughfare: | Seventy (70) feet |
| (4) Collector Street: | Sixty (60) feet |
| (5) Local Street and Cul-de-Sac: | Fifty-five (55) feet |

Provided however, in no event shall the required minimum front setback be located closer to the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet.

Section 2.03

B. C-3 District Development Standards

6. USE OF REQUIRED YARDS

All required yards shall be landscaped, in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

- (1) Pedestrian walks, access cuts, driveways, flag poles and similar appurtenant uses.
- (2) Off-street parking, gasoline service station pumps and "gasoline service station canopies" (defined as vertically supported unenclosed roof-like structures built to provide cover for gasoline service station pumps) constructed entirely within the owner's real estate and with no portion thereof constructed closer than fifty (50) feet to the center line of the nearest abutting street, thoroughfare, or expressway.

Provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.03, B, 7.

Provided, however, in no event shall the gasoline service station canopy be located closer to the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet, and if subject to the transitional yard requirements of section 2.03, B, 7, closer to the proposed right-of-way than twenty (20) feet, regardless of the street classification.

Except, however, for gasoline service station uses established before April 1, 1980, in no event shall its gasoline service station canopy be located closer to the existing right-of-way of any Expressway, Primary Thoroughfare or

Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ~~six (6)~~ feet, and if subject to the transitional yard requirements of section 2.03, B, 7 closer to the existing right-of-way than twenty (20) feet, regardless of the street classification.

Provided, however, prior to the issuance of an Improvement Location Permit for any gasoline service station canopy located within ten (10) feet of the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana), or if subject to the transitional yard requirements of section 2.03, B, 7, located within twenty (20) feet of the proposed right-of-way, the owner of said real estate shall execute and deliver to the Metropolitan Development Commission, on the form prescribed by it, a written commitment to be recorded agreeing to remove said canopy at his expense upon acquisition of additional right-of-way by a governmental authority which would cause an existing gasoline service station canopy to be in non-conformance to these standards and waiving any and all claims to damages or compensation by reason of the existence or removal thereof.

Provided, however, after the effective date of this ordinance, legally established gasoline service station canopies, not in conformance with the requirements of section 2.03, B, 2, a, shall be amortized over a ninety (90) day period to begin when a gasoline service station ceases operation (to be defined as when gasoline storage tanks are filled or removed per State Fire Marshal orders). Said gasoline service station canopies shall lose their legally established status after said ninety (90) day period and shall be removed. Conformity with section 2.03, B, 2, a, shall be construed to mean conformity with such section without allowance for the exceptions contained in this paragraph (paragraph 6).

Section 2. That in emergency prints for the purpose of this ordinance and the same shall be in full force and effect from and after its passage.

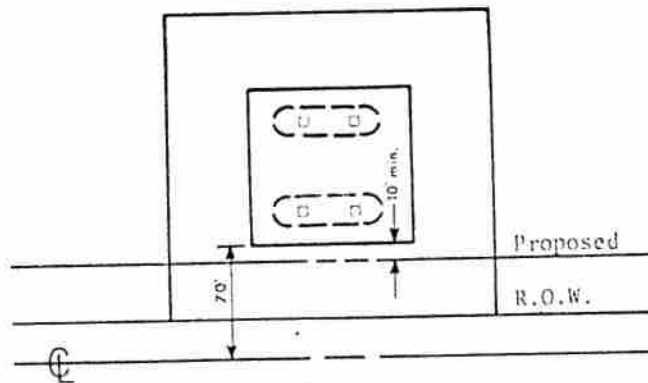
CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

President (or Presiding Officer)

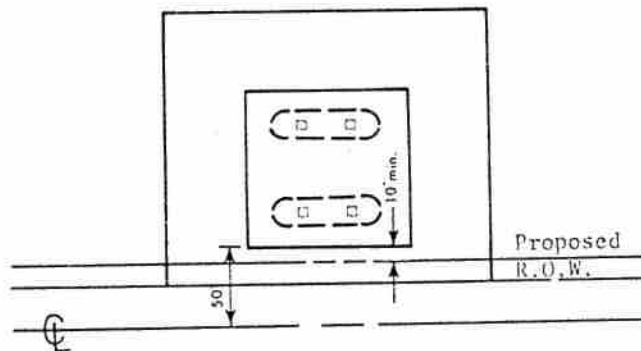
Date _____

Attest: _____
(Clerk)

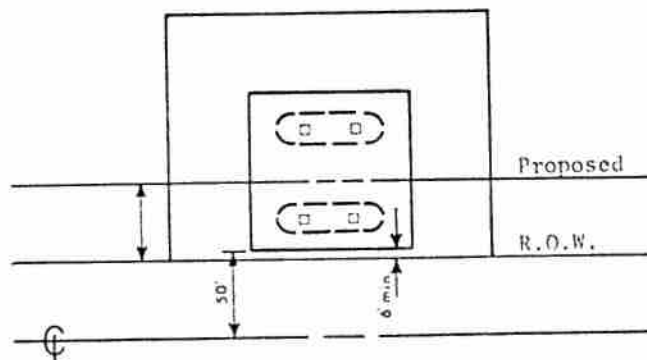
EXISTING ORDINANCE



PROPOSED ORDINANCE - NEW STATION (Amortization Would Apply Upon Abandonment)



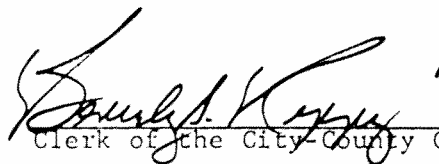
PROPOSED ORDINANCE - EXISTING STATION (Recorded Waiver Required By Example) (Amortization Would Apply Upon Abandonment)



STATE OF INDIANA, MARION COUNTY)
CITY OF INDIANAPOLIS) SS:

I, BEVERLY S. RIPPY, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of City-County Proposal No. 212, 1980, a Proposal for a General Ordinance, passed by the City-County Council on the 21st day of April, 1980, by a vote of U.V.V. AYES and 0 NAYS, retitled General Ordinance No. 23, 1980, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 22nd day of April, 1980.


Clerk of the City-County Council

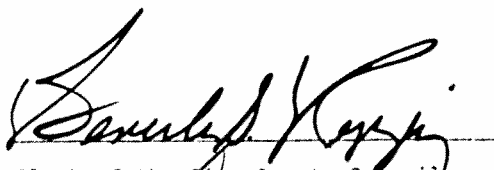
(SEAL)

The foregoing was passed by the City-County Council on this 21 day of _____
April, 1980.

ATTEST:

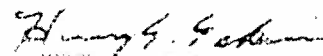


President


Clerk of the City-County Council

FILED

(43) APR 23 1980


HENRY G. SCHMITT
COUNTY AUDITOR